

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, et
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY
(PREPA),

Debtor.

PROMESA

Title III

No. 17 BK 4780-LTS

ORDER (A) GRANTING THE URGENT MOTION IN LIMINE TO EXCLUDE
TESTIMONY OFFERED BY THE ENERGY NON-PROFITS, THE ENVIRONMENTAL
NON-PROFITS, AND SOMOS, (B) GRANTING IN PART THE URGENT MOTION IN
LIMINE TO EXCLUDE TESTIMONY OFFERED BY UTIER, SREAEE, AND WINDMAR, AND
(C) MODIFYING THE CURRENT BRIEFING SCHEDULE PERTAINING TO DISCOVERY MOTIONS

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

For the reasons stated on the record of the July 11, 2019, pretrial conference concerning the *Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in Restructuring Support Agreement* [the “RSA”] and *Tolling Certain Limitations Periods* (Docket Entry No. 1235 in Case No. 17-4780), the *Urgent Motion in Limine to Exclude Testimony Offered by Instituto de Competitividad y Sostenibilidad Economica de Puerto Rico, Centro Unido de Detallistas Camara de Mercadeo, Industria y Distribucion de Alimentos, Asociación de Contratistas y Consultores de Energía Renovable de Puerto Rico, Puerto Rico Manufacturers Association, Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace de Acción Climática, Comité Yabucoño Pro-Calidad de Vida, Inc., Alianza Comunitaria, Ambientalista del Sureste, Inc., Sierra Club Puerto Rico, Inc., Mayagüezanos por la Salud y el Ambiente, Inc., Coalición de Organizaciones Anti Incineración, Inc., Amigos del Río Guaynabo, Inc., and SOMOS, Inc.* (collectively, the “Nonprofits”) (Docket Entry No. 7331 in Case No. 17-3283 and Docket Entry No. 1300 in Case No. 17-4780) is granted, and all of the Nonprofits’ proffered witnesses are excluded from testifying at the hearing currently scheduled for September 11, 2019 (the “9019 Hearing”). Furthermore, the Nonprofits will not be permitted to participate as parties to the Rule 9019 motion practice concerning the PREPA RSA. The *Urgent Motion in Limine to Exclude Testimony Offered by Union de Trabajadores de la Industria Electrica y Riego (UTIER), Sistema de Retiro de Los Empleados de la Autoridad de Energia Electrica (SREAE), and Windmar Renewable Energy* (Docket Entry No. 7332 in Case No. 17-3283 and Docket Entry No. 1301 in case No. 17-4780) is granted in part. Windmar Renewable Energy’s proffered witness is excluded from testifying at the 9019 Hearing. The testimony of witnesses proffered by Union de Trabajadores de la Industria Electrica y Riego (UTIER) and Sistema de Retiro de la Autoridad de Energia Electrica (SREAE) concerning demographic and macroeconomic issues is likewise excluded from the 9019 Hearing. The parties shall meet and confer in an effort to resolve consensually the remainder of the motion in limine, and shall file a joint status report by **July 19, 2019**.²

The request in the July 9, 2019, *Joint Status Report* (Docket Entry No. 1450 in Case No. 17-4780) to modify the schedule set forth in the *Revised Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of PREPA and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement* (Docket

² The *Urgent Joint Motion for Leave to File Opposition to Urgent Motion in Limine to Exclude Testimony Offered by Union de Trabajadores de la Industria Electrica y Riego (UTIER), Sistema de Retiro de Los Empleados de la Autoridad de Energia Electrica (SREAE), and Windmar Renewable Energy* (Docket Entry No. 7368 in Case No. 17-3283 and Docket Entry No. 1329 in Case No. 17-4780) and the *Urgent Motion for Extension of Time to File Opposition to Motion in Limine to Exclude Expert Testimony Provided by SOMOS, Inc.* (Docket Entry No. 1337 in Case No. 17-4780) are granted nunc pro tunc, and the *Urgent Motion to Strike Untimely Oppositions to Motions in Limine [ECF 1333, 1336] and to Deny Untimely Motion to Extend Time [ECF 1337]* (Docket Entry No. 1339 in Case No. 17-4780) is denied, as this Court has considered all of the parties’ submissions in connection with these matters.

Entry No. 1366 in Case No. 17-4780) pertaining to Discovery Motions³ and motions to quash is granted as follows: Discovery Motions and motions to quash must be filed by **July 16, 2019**, with oppositions due by **July 23, 2019**, and replies due by **July 25, 2019 at 11:59 p.m. (Atlantic Standard Time)**. Discovery Motions or motions to quash filed after July 16, 2019, must be accompanied by a showing of good cause. The Court will take any such later-filed motions on submission.

This Order resolves Docket Entry Nos. 7331 and 7368 in Case No. 17-3283 and Docket Entry Nos. 1300, 1329, 1337, and 1339 in Case No. 17-4780.

SO ORDERED.

Dated: July 12, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

³ The term “Discovery Motions” shall have the meaning ascribed to it in the *Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of PREPA and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement* (Docket Entry No. 1253 in Case No. 17-4780).